

Agenda Item #11.C.



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS

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DATE: August 22, 2012

TO: Board Members

FROM: *Mark M. Ito*
Mark Ito
Licensing Program Analyst

SUBJECT: **Proposed Regulatory Action to Implement AB 2699, Sponsored Health Care Events – Requirements for Exemption**

The Board of Vocational Nursing and Psychiatric Technicians (Board) filed a Notice of Proposed Regulations with the Office of Administrative Law (OAL) on June 10, 2011, to amend the California Code of Regulations, Title 16, by adding sections 2557, 2557.1, 2557.2, 2557.3, 2595, 2595.1, 2595.2, and 2595.3.

The purpose of this regulatory action is to make specific provisions of Assembly Bill 2699, which authorizes the establishment of regulations to allow a health care practitioner, licensed in one or more states, but not in California, to participate in free health care events in California for uninsured or under-insured individuals.

The proposed regulations would implement, interpret, and make specific the provisions of Business and Professions (B&P) Code section 901 by specifying procedures and forms to be used by sponsoring entities and out-of-state practitioners who desire to participate in sponsored events. The Board's highest priority is the protection of the public and these proposed regulations are intended to implement B&P Code section 901 in a manner that will provide the greatest protection for the people of California.

BACKGROUND AND SUBJECT REVIEW

On August 10, 2011, a public hearing was conducted by the Board in Sacramento. The Board received no written testimony and no one attended the regulatory hearing.

At its September 9, 2011 Board Meeting, the Board approved the regulatory proposal. On February 7, 2012, the Board submitted the rulemaking file to OAL for approval.

The OAL recommended that the Board amend the proposed regulations to clarify the delegation of authority, include a cost analysis, and make non-substantive changes to the text and forms. Consequently, on March 13, 2012, the Board withdrew the rulemaking file from OAL in order to amend the regulatory proposal.

On April 5, 2012, the Board posted a 15-day notice of modifications to the regulatory language including a cost analysis. The 15-day comment period ended on April 20, 2012. No written comments were received.

At its May 11, 2012 Board Meeting, the Board approved the modified regulatory proposal. On July 20, 2012, the Board resubmitted the rulemaking file to OAL for approval.

(8/16/12)
